

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KIMON WHEELER, et al.,)
)
)
Plaintiffs,) No. 07 C 6880
)
)
vs.) Judge Coar
)
) Magistrate Judge Valdez
CITY OF CHICAGO, et al.,)
)
)
Defendants.)

INITIAL STATUS REPORT

Pursuant to this courts order, Louis J. Meyer, representing Plaintiff, and Mary McDonald representing the individual Defendants and the City of Chicago, spoke on April 11, 2008 pursuant to Rule 26(f) to discuss:

- (1) the nature and basis of their claims and defenses;
- (2) the possibilities for a prompt settlement or resolution of this case;
- (3) to make or arrange for the disclosures required under Rule 26(a)(1); and
- (4) to develop a discovery plan.

To the end the parties propose the following:

A. The issues in this case may be simplified by taking the following steps:

None

B. The following modifications to the discovery requirements of the Federal Rules of Civil Procedure or Local Rules should be made in order to expedite discovery:

Engaging in discovery of independent witnesses prior to parties depositions.

C. Discovery will be needed on the following subjects:

Plaintiff's have served Defendants with Fed.R.Civ.P. 26(a)(1) disclosures on January 11, 2008.

Defendants served their Fed.R.Civ.P. 26(a)(1) disclosures on February 4, 2008.

The parties jointly propose to the court the following discovery plan:

It is anticipated that discovery will be needed on the following subjects:

(a) the alleged excessive force; (b) the failure to intervene; (c) indemnification claim.

The Plaintiffs' damages, including physical and emotional pain and suffering

All discovery commenced in time to be completed by March 13, 2009.

Supplementation under Rule 26(e) due upon receipt of new information.

D. Discovery will be conducted with fact discovery prior to expert discovery.

E. Discovery is likely to be contentious and management of discovery should be referred to the Magistrate Judge.

F. The parties do not consent at this time to this matter being referred to the Magistrate Judge for final disposition.

G. The parties have discussed the possibility of alternative dispute resolution and believe that a settlement conference may be appropriate after some written discovery.

H. Settlement is likely, but can be better evaluated after written discovery has been completed.

I. The Court should consider the following methods of expediting the resolution of this matter:

Final list of witnesses and exhibits under Rule 26(a)(3) should be due:

- From Plaintiff by at least 30 days before trial or in the Final Pretrial Order.
- From Defendants by at least 30 days before trial or in the Final Pretrial Order.

Parties should have 14 days after service of final list of witnesses and exhibits to list objections under Rule 26(a)(3).

The case should be ready for trial 14 days after the final pretrial conference and at this time is expected to take approximately five (5) days.

Respectfully submitted,

Dated: April 11, 2008

/s/ Louis J. Meyer

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